IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13648 of 2004

Between:

1 R. Anjaiah S/o R. Krishnaiah
abolished catagories, Kothagudem Thermal Power Station, 'C'

Station, Old Plant, Paloncha,
R/o Guttaigudem, Sanjeevaiah Colony, Polancha, Khammam

District
2 Geddam babu S/o G. Nagabhushanam
abolished catagories, Kothagudem Thermal Power Station, 'C'

Station, Old Plant, Paloncha,
R/o Guttaigudem, Sanjeevaiah Colony, Polancha, Khammam

District

..... PETITIONERS

AND

1 The Vice Chairman & Managing Director, AP Power Generation

Corporation Ltd., Vidyut Soudha, Somajiguda, Hyderabad
2 The Chief Engineer, (Operation & Maintanance), Kothagudem

Thermal Power Station, Paloncha, Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, order or direction particularly one in the nature of Writ of Madamus declaring the action of the 1st respondent in not disposing of the appeal dated 14-2-2004 filed by the petitioner aggrieved by the Letter No.

CE/O&M/KTPS/Adm/B.5/D.No.84/2003, dated 9-10-2003 issued by the 2nd respondent rejecting the case of the petitioners for absorption in the employment of the respondent corporation as arbitrary and illegal and consequently direct the 1st respondent to dispose of the petitioner appeal dt 14-2-2004 and pass such other orders as may be just.

Counsel for the Petitioner:MR.G.CHANDRAIAH

Counsel for the Respondents: SMT.K.SESHARAJYAM, SC

The Court made the following :

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.NO.13648 OF 2004

ORDER:

The petitioner worked as a Contract Labour under the respondent-Corporation. The Government issued G.O.Ms.No.41 (Labour) Dept., dated 23.09.1996 abolishing the Contract Labour with a view to absorb those men into the employment of the Corporation. The petitioner worked under a contractor from 01.03.1995 and a service certificate was also issued to him to that effect on 18.06.1998 and it was countersigned by the Superintendent Engineer (O&M), Boiler Maintenance, K.T.P.S. 'C' Station of the Corporation. The petitioners, who were on the roll of employment as on 23.09.1996, are eligible and entitled for absorption in the employment of the respondent-Corporation. The petitioners made representations through the Scheduled Caste Welfare Association to the second respondent and when the said representation was not considered, the Welfare Association filed W.P.No.18926 of 2003 seeking a direction to the respondents to consider the appointment of the petitioners against the backlog vacancies. The writ petition was disposed of on 21.10.2003 directing the respondents to consider the representations of the petitioners dated 18.07.2002 and 20.04.2003, but, no orders have been passed by the respondents. Ultimately, the second respondent issued a letter No.CE/O&M/KTPS/Adm./B5/D.No.84/2003, dated 09.10.2003 rejecting the case of the petitioners for absorption on the ground that though they were on the roll of employment as on 23.09.1996, they do not fall within the 33 categories of employment which were abolished under the said G.O.

The petitioners represent that being aggrieved by the letter of rejection dated 09.10.2003, they presented an appeal to the first respondent on 14.02.2004 and the same is pending. The petitioner, being aggrieved by the inaction of the respondents, approached this Court seeking a direction to the first respondent to dispose of the appeal by considering their request for absorption.

In the light of the circumstances explained by the petitioners, the first respondent is directed to pass appropriate orders on the appeal petition presented by the petitioners dated 14.02.2004 within a period of two months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

_____

(Dr.G.YETHIRAJULU, J)

Dated 04th August, 2004.

YCR

To:

1 The Vice Chairman & Managing Director, AP Power

Generation Corporation Ltd., Vidyut Soudha, Somajiguda,

Hyderabad.

2 The Chief Engineer, (Operation & Maintanance),

Kothagudem,Thermal Power Station, Paloncha, Khammam

District

3. 2 C.D. Copies.